

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #1	CCRB Case #: 201802194	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/14/2018 12:23 PM	Location of Incident: East 104th Street and 3rd Avenue	Precinct: 23	18 Mo. SOL 9/14/2019	EO SOL 9/14/2019	
Date/Time CV Reported Tue, 03/20/2018 3:56 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 03/20/2018 3:56 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Bobell	09032	941438	023 PCT
2. POM Jonathan Perez	17154	951041	023 PCT
3. LT Daryl Melhado	00000	940464	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Guo Chu	16954	959550	023 PCT
2. POM Jason Dieterich	19354	959602	023 PCT
3. POM Adam Bischoff	18579	951547	023 PCT
4. POM Anthony Medina	21574	951999	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Daryl Melhado	Abuse: Lieutenant Daryl Melhado stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Christophe Bobell	Abuse: Police Officer Christopher Bobell made a sexually suggestive remark to § 87(2)(b)	
C.POM Jonathan Perez	Discourtesy: Police Officer Jonathan Perez spoke discourteously to § 87(2)(b)	
D.POM Jonathan Perez	Force: Police Officer Jonathan Perez used physical force against § 87(2)(b)	

Case Summary

On March 20, 2018, § 87(2)(b) filed this complaint with the CCRB via the Online website.

On March 14, 2018, at approximately 12:23am, § 87(2)(b) was driving northbound on Third Avenue around East 104th Street in Manhattan when she was pulled over by Lieutenant Daryl Melhado, PO Jonathon Perez, and PO Christopher Bobell of the 23rd Precinct (**Allegation A-Abuse of Authority:** § 87(2)(g) § 87(2)(b) verbally provided her information to PO Bobell and the officers discovered that her license was suspended and placed her under arrest. § 87(2)(b) s girlfriend, § 87(2)(b) exited the vehicle and protested the arrest. § 87(2)(b) requested to calm § 87(2)(b) down and PO Bobell allegedly stated, “I’ll calm her down,” in a sexually suggestive manner (**Allegation B-Abuse of Authority:** § 87(2)(g) PO Perez then told § 87(2)(b) “Get back in the car, sweetheart” (**Allegation C-Discourtesy:** § 87(2)(g) After § 87(2)(b) was placed under arrest, § 87(2)(b) attempted to walk towards § 87(2)(b) but was allegedly pushed backwards by PO Perez (**Allegation D-Force:** § 87(2)(g) § 87(2)(b)).

Video footage was recovered from PO Bobell’s and PO Perez’s Body Worn Camera (BWC) and provided to the investigation by NYPD. It depicts the officers’ interactions with § 87(2)(b) and § 87(2)(b) (For PO Bobell’s full BWC footage see BR 07, for PO Perez’s see BR 17).

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Daryl Melhado stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Lieutenant Melhado, PO Perez, and PO Bobell stopped § 87(2)(b) s vehicle. § 87(2)(g).

Lieutenant Melhado testified that as the supervising officer in the vehicle at the time, it was his decision to stop § 87(2)(b) s vehicle. § 87(2)(g).

§ 87(2)(b) and § 87(2)(b) provided consistent testimony regarding the vehicle, which belonged to § 87(2)(b). The two front-side windows have a factory tint and the two rear-side windows have a slightly darker tint. Neither § 87(2)(b) nor § 87(2)(b) knew the percentage of the tint or if it was within the legal threshold. Prior to being stopped, § 87(2)(b) drove over a pothole causing a flat tire. Both testified that, other than the flat tire, there were no other issues with the vehicle. § 87(2)(b) testified that she did not commit any traffic infractions while driving. During the stop, an officer informed § 87(2)(b) and § 87(2)(b) the reason they were stopped was for the vehicle’s excessive tints. No summonses were issued in regards to the tinted windows (BR 01, 02).

All three officers present for the vehicle stop were consistent that they perceived the windows to have an excessive tint causing them to think they were illegal. This was the initial reason for the stop. Both the front and side windows were tinted. Both PO Perez and PO Bobell list excessive

tints as the cause for the stop in their memo book entries. § 87(2)(b) was not charged with the tinted window violation nor was any summons issued (BR 03, 04, 05).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Christopher Bobell made a sexually suggestive remark to § 87(2)(b)

§ 87(2)(b) alleged that PO Bobell made a sexually suggestive statement to her regarding § 87(2)(b) § 87(2)(b).

§ 87(2)(b) testified that after she was placed in handcuffs, she observed § 87(2)(b) outside the vehicle arguing with an officer and crying. § 87(2)(b) asked PO Bobell if she could calm § 87(2)(b) down. PO Bobell stated, “I’ll calm her down.” § 87(2)(b) took this statement to be sexual in nature because of the look that PO Bobell gave § 87(2)(b) while he said it and because of the tone of his voice (BR 01).

§ 87(2)(b) did not hear the alleged statement, but was informed of it by § 87(2)(b) who was seated in the rear of the vehicle. § 87(2)(b) also told her about it when she was released from custody (BR 02).

§ 87(2)(b) stated, in her unverified telephone statement, that she heard an officer—she didn’t know which one—say “I’ll take care of her,” regarding § 87(2)(b) § 87(2)(b) believed that this statement was sexual in nature because of the officer’s tone (BR 06).

PO Bobell’s BWC footage begins as the officers exit their vehicle and approach § 87(2)(b)’s vehicle and ends as § 87(2)(b) is placed into the marked RMP. At no point does PO Bobell state “I’ll calm her down,” nor anything to that effect. As § 87(2)(b) is being placed inside the marked RMP, she asks if she can calm § 87(2)(b) down. PO Bobell says that she cannot and that § 87(2)(b) is on her own now (BR 07).

PO Bobell denied saying that he would calm § 87(2)(b) down, or making any sexually suggestive remark (BR 03).

Neither Lieutenant Melhado nor PO Perez heard PO Bobell say that he would calm § 87(2)(b) down and didn’t hear him make any sexually suggestive remarks (BR 04, 05).

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Jonathan Perez spoke discourteously to § 87(2)(b)

It is undisputed that PO Perez referred to § 87(2)(b) as “sweetheart.” It is captured in PO Bobell’s BWC footage and PO Perez confirmed that it is him making the statement. Neither § 87(2)(b) nor § 87(2)(b) raised this allegation during their sworn statements.



2018-07-30_10-33-03.mp4

At 00:10 in the above Snag-it of PO Bobell’s BWC footage, PO Perez is heard saying, “Have a seat in the car sweetheart,” to § 87(2)(b) (00:10 in BR 08; 25:16 in BR 07).

PO Perez initially denied calling § 87(2)(b) “sweetheart,” while telling her to get back into her vehicle. Upon being presented with PO Bobell’s BWC footage he confirmed that the voice calling § 87(2)(b) “sweetheart,” is his own (BR 04).

Officers should be courteous and respectful. NYPD Patrol Guide, Procedure 203-09 (BR 09).

§ 87(2)(g)

Allegation (D) Force: Police Officer Jonathan Perez used physical force against § 87(2)(b)

§ 87(2)(b) alleged that an officer pushed her, causing her to stumble backwards.

Both § 87(2)(b) and § 87(2)(b) testified that after § 87(2)(b) was placed into handcuffs, she said that she wanted to pass her cellphone to § 87(2)(b). Hearing this, § 87(2)(b) approached § 87(2)(b) from behind. § 87(2)(b) testified that once she was within an arms length of § 87(2)(b) an officer pushed her backwards causing her to stumble three steps backward (BR 01, 02).



2018-07-30_10-37-06.mp4

At 00:15 in the above Snag-it of PO Bobell’s BWC footage, PO Perez is walking slightly behind § 87(2)(b) in the direction of the marked RMP. § 87(2)(b) is briefly seen in the frame approaching § 87(2)(b) from behind. PO Perez extends his right arm in the direction of § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) is then no longer in the frame as PO Bobell continues to walk forward. It is unclear whether or not PO Perez's arm makes contact with § 87(2)(b). PO Perez tells § 87(2)(b) to step back (00:10 in BR 10; 36:50 in BR 07).

PO Perez testified that, after she was placed in handcuffs, § 87(2)(b) asked if she could pass her phone to § 87(2)(b). PO Perez couldn't recall if they allowed this. As they were walking § 87(2)(b) to the marked RMP, § 87(2)(b) approached them from behind. PO Perez asked her to step back. He denied pushing § 87(2)(b) or making any physical contact with her. He testified that he told her to step back because it was unsafe to allow her to approach the officers and § 87(2)(b) from behind. After being presented with BWC footage, PO Perez confirmed that it appeared like he extended his arm to stop § 87(2)(b) from advancing but couldn't recall if he made contact with her and reiterated that he never pushed her (BR 04).

The other officers interviewed denied observing PO Perez push § 87(2)(b) (BR 03, 05, 11, 12).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody." NYPD Patrol Guide, Procedure 221-01 (BR 13).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint to which either § 87(2)(b) or § 87(2)(b) have been a party (BR 14).
- PO Bobell has been a member-of-service for 12 years and has been a subject in two CCRB complaints and seven allegations, of which one was substantiated:
 - 201301473 involved a substantiated allegation of a discourteous word against PO Bobell. The Board recommended Instructions and the NYPD imposed Instructions.
 - § 87(2)(g)
- PO Perez has been a member-of-service for seven years and has been a subject in four CCRB complaints and 11 allegations, of which two were substantiated:
 - 201509267 involved a substantiated allegation of property damage against PO Perez. The Board recommended Formalized Training and the NYPD imposed Instructions.

- 201704878 involved a substantiated allegation of premises searched. The Board recommended Formalized Training and the NYPD has not yet imposed discipline.
- § 87(2)(g) [REDACTED]
- Lieutenant Melhado has been a member-of-service for 12 years and has been the subject in nine CCRB complaints and 21 allegations, of which six were substantiated:
 - 200917132 involved a substantiated allegation of pepper spray against Lieutenant Melhado. The Board recommended Charges and the NYPD imposed Instructions.
 - 201406818 involved substantiated allegations of stop, frisk, and search of person against Lieutenant Melhado. The Board recommended Command Discipline A and the NYPD imposed Formalized Training.
 - 201407529 involved a substantiated allegation of a stop against Lieutenant Melhado. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - 201606441 involved a substantiated allegation of a vehicle search against Lieutenant Melhado. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A FOIL request was filed with the New York City Office of the Comptroller on July 26, 2018. It will be added to the casefile upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: 7

Investigator: _____	_____	_____
Signature	Print Title & Name	Date

Squad Leader: _____	_____	_____
Signature	Print Title & Name	Date

Reviewer:

Signature

Print Title & Name

Date